

DOCKET NO.: P0813.70015US01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frederick M.S. Herz et al.
Serial No.: 09/690,046
Confirmation No.: 1525
Filed: October 16, 2000
For: SYSTEM FOR COLLECTING, ANALYZING, AND TRANSMITTING INFORMATION RELEVANT TO TRANSPORTATION NETWORKS

Examiner: Reilly, Sean M.
Art Unit: 2153

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 6th day of March, 2007.

Patricia L. Marchetti
Patricia L. Marchetti

MAIL STOP PETITION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

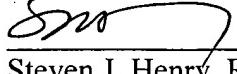
- Petition to Withdraw Holding of Abandonment Under 37 C.F.R. §1.181
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Frederick M.S. Herz et al., Applicant

By:


Steven J. Henry, Reg. No.: 27,900
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Docket No.: P0813.70015US01

Date: March 6, 2007

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ATTORNEY'S DOCKET NO.: P0813.70015US01

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Commissioner For Patents
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PETITION TO WITHDRAW HOLDING OF ABANDONMENT

UNDER 37 C.F.R. § 1.181

Applicants hereby petition that the holding of abandonment of the above-identified patent be withdrawn, under C.F.R. § 1.181.

The Notice of Abandonment, mailed January 22, 2007, is based on an alleged failure to file a response or appeal brief after the Notice of Appeal filed by Applicants on August 16, 2005. However, Applicants timely filed a response on Feb 16, 2006 to the Office Action mailed February 16, 2005. The Notice of Abandonment contends that Applicants' reply of Feb 21, 2006 introduced new claim limitations which would require further search. However, a requirement for further search should not have caused this application to go abandoned. Applicants respectfully point out that the holding of abandonment is erroneous because the Office Action

mailed February 16, 2005 was a non-final Office Action. Since the outstanding Office Action was non-final, any further search needed should have been duly performed.

Applicants accordingly believe that the papers filed on February 16, 2006 constitute a timely and complete response to the last pending Office Action.

Applicant does not believe that this petition requires a fee, as Applicants timely filed the response, and thus did not abandon this application. Accordingly, no such fee is included. In the event Office personnel determine that such fee is due, Applicants' representative authorizes that the fee be charged to Deposit Account No. 23/2825. If any additional information is needed, please contact the undersigned at the number listed below.

Respectfully submitted,



Steven J. Henry, Reg. No. 27,900
WOLF, GREENFIELD & SACKS, P.C.
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